

Responsibilities of Commercial Pesticide Applicators and Registered Technicians in Virginia

January 11, 2006

I. Adherence to the Pesticide Label

The pesticide label is a legal agreement between the Environmental Protection Agency (EPA), the product manufacturer and the user. Pesticide product labels provide instructions for all stages/phases of use. Applicators must read, understand and follow label directions carefully. Pesticides may not be applied to any site not listed on the product label. Materials may not be applied at rates higher than the label directs. Pesticide applicators are bound to follow label directions for transport, mixing, loading, application, storage and disposal of pesticide products and containers. **The use of any pesticide inconsistent with its label is prohibited by law, and there are state and federal penalties for violations.**

II. Supervision of Registered Technicians by Commercial Applicators

Certified Commercial Applicators must provide on-the-job training, instruction and supervision of Registered Technicians employed by them or assigned to them by their employer. Registered Technicians may use restricted-use pesticides only under the supervision of a Commercial Applicator. The supervising Commercial Applicator must either be physically present or be where the Registered Technician may contact the applicator by telephone or radio. Certified applicators are responsible for the work of Registered Technicians under their supervision, and must provide the Registered Technicians with clear, specific instructions on all aspects of pesticide use. A Registered Technician may apply general use pesticides unsupervised.

Uncertified persons may apply pesticides commercially while in training status to become Registered Technicians only when under the direct, *on-site* supervision of a certified Commercial Applicator.

III. Reporting of Pesticide Accidents

Pesticide accidents or incidents that constitute a threat to any person, to public health or safety, and/or to the environment must be reported to the Office of Pesticide Services. Initial notification must be made by telephone within 48 hours of the occurrence; a written report describing the accident or incident must be filed within 10 days of the initial notification.

Initial telephone contact and written reports should be directed to:

**Virginia Department of Agriculture and Consumer Services
Office of Pesticide Services / Enforcement and Field Operations
P. O. Box 1163, Richmond, VA 23218 (804) 371-6560**

If the accident or incident involves a spill, the applicator should contact VDACS/OPS for help in determining whether the release is governed under SARA Title III (the Community Right-to-Know Law). Reporting under SARA Title III is determined by the chemical hazard and the volume of the released chemical. If so, the applicator must also notify the:

National Response Center at 1-800-424-8802.

In the event of an emergency release which would impact others or other property, notify the:

Virginia Department of Emergency Services (DES) at 1-800-468-8892.

IV. Record-Keeping for Commercial Applicators

Commercial applicators are required to keep records of **restricted use** pesticide applications. These records must be maintained for a period of two years following the pesticide use, and must contain the following information:

Name, address and telephone number (if applicable) of the treatment site property owner, and address/location of the application site, if different;

Name and certification number of the person making or supervising the application;

Date of application (day, month, year);

Type of plants, crop, animals or sites treated;

Principal pests to be controlled;

Acreage, area, or number of plants or animals treated;

Identification of pesticide used:

Brand name or common name of pesticide used, and

EPA product registration number;

Amount of pesticide concentrate and amount of diluent (water, etc.) used, by weight or volume, on the area/sites treated;

Type of application equipment used.

V. Pesticide Business License

Certified Commercial Applicators working for hire must have a Virginia Pesticide Business License, or work for someone who does. *This license is separate from any locality business license requirements.* Certified Registered Technicians working for hire must work for a properly-licensed Pesticide Business.

The licensed Pesticide Business must provide VDACS with evidence of financial responsibility protecting persons who may suffer legal damages as a result of use of any pesticide by the applicator. The coverage must provide for liability that may result from the operation of a pesticide business, and for liability relating to completed operations (for businesses that apply pesticides). Minimum insurance is \$100,000 property damage, \$100,000 personal injury to or death of one person, and \$300,000 per occurrence.

Virginia's state employees are insured by the Commonwealth for activities performed as official job duties.

VI. Maintenance of Certification

A. Renewal of Certificates:

Commercial Applicator and Registered Technician certificates must be renewed every two years. VDACS will send each certified applicator a renewal application. The renewal form and a renewal fee must be received by VDACS on or before June 30 of the renewal year to avoid a penalty. The renewal fee for two years is \$70.00 for a Commercial Applicator and \$30.00 for a Registered Technician. The renewal fee is waived for Federal, State and local governmental employees requiring commercial applicator certification. Certificates expire June 30. No late renewals will be accepted after August 29.

Applicators who allow their certificate(s) to lapse after August 29 must retest in the appropriate category or categories to reinstate their certification. Commercial applicators must also retake the Core examination.

B. Recertification:

To qualify for biennial renewal, commercial applicators and registered technicians must participate in an ongoing pesticide safety education program. At a minimum, commercial applicators and registered technicians must attend at least one fully-approved recertification session per category every two years. Applicators may accumulate up to four years of recertification credit. Persons who fail to recertify will not be able to renew their certificates.

Recertification courses are offered by Virginia Cooperative Extension, by pesticide-related trade and professional organizations, and others. A listing of all approved courses may be obtained from Virginia Cooperative Extension offices, Virginia Tech Pesticide Programs Unit, and VDACS/OPS/Certification, Licensing, Registration and Training Unit.

Program availability varies by time of year and by category; applicators should keep in touch with Virginia Cooperative Extension and/or professional organizations to avoid missing recertification opportunities. Commercial applicators and Registered Technicians may choose to recertify by taking their certification examinations again.

Applicators must inform VDACS/OPS if their address or employment status changes.

Certificates may be suspended or revoked if the holder presents a substantial danger or threat of danger to public health and safety or to the environment. A suspension may be issued on an emergency basis, and a certificate may be revoked after a hearing has taken place. If an applicator's certificate is revoked, he may not re-apply for Virginia certification for two years.

Sources of Information:

Questions regarding federal and state pesticide regulations and the legal responsibilities of pesticide users:

Virginia Department of Agriculture and Consumer Services (VDACS)

Pesticide Investigators (*call VDACS regional offices*)

Office of Pesticide Services (OPS)

P.O. Box 1163

102 Governor Street, 1st Floor

Richmond, VA 23218

(804) 371-6558

WWW Home Page: <http://www.vdacs.virginia.gov/pesticides>

Questions regarding federal and state pesticide regulations, legal responsibilities of pesticide users, pesticide management techniques, sources of approved preparatory training sessions and recertification workshops:

Virginia Cooperative Extension (VCE)

County Extension Office (*consult local listings for telephone number*)

Virginia Tech Pesticide Programs (VTPP)

34 Agnew Hall Mail Code 0409

Virginia Tech

Blacksburg, VA 24061

(540) 231-6543

WWW Home Page: <http://www.vtpp.ext.vt.edu>